

REMARKS

Claims 1-57 are amended. Claims 1-57 are now pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

Accompanying this Response, Applicant submits Replacement Formal Drawings. Acknowledgement of this submission is hereby requested.

Additionally, Applicant hereby requests a formal telephone interview to further discuss this application. Acknowledgement of this request is respectfully requested.

Each issue raised in the Office Action mailed May 11, 2007 will now be addressed, in the order of appearance.

Claims 22, 23 and 25-33 are rejected under 35 U.S.C. § 101. In response, claim 22 was amended.

Claims 1-7, 9-11, 13-20, 22-28, 30-32, 34-39, 42-44, 46-52 and 54-56 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,092,354 B2 to Jensen ("Jensen"). The rejection is respectfully traversed.

Claims 1, 22, 34, and 46 recite, *inter alia*, receiving connection configuration information from the identified network element; based on the connection configuration information, re-configuring the substitute network element and one or more switch devices associated with the identified network element, wherein the re-configuring causes the one or more switch devices to change one or more connections from the identified network element to the substitute network element.

Conversely, Jensen's switch 110 does not change anything. When Jensen's standby router 108 takes over for the active router 106, a mirroring module contained within the standby router 108 updates its own routing information to match that of the router 106

(Jensen, col. 6, lines 14-22). Jensen's switch 110 is thus not involved whatsoever in the updating process, and does not change any connections of any kind, so that it is not possible for Jensen to anticipate Claim 1.

For at least the above reasons, the rejection of Claims 1, 22, 34, and 46, as well as all claims dependent therefrom, is unsupported and should be withdrawn.

Claim 13 recites a method of automatically re-provisioning a network element in adaptation to a failure, the method comprising the computer-implemented steps of:

- receiving first user input that defines a cluster comprising a first network switch, a plurality of network elements, and a second network switch;
- receiving second user input that specifies one or more of the network elements as a pool of available network elements;
- identifying a network element that has failed;
- selecting a substitute network element from among the pool; and
- re-configuring the first network switch and the second network switch, wherein the re-configuring causes the first network switch and second network switch to change one or more connections from the identified network element to the substitute network element.

Jensen only discloses a single switch 110, and thus cannot anticipate the claimed first and second network switches. Additionally, Jensen's switch 110 is not described or suggested as having the ability to change anything, and therefore could not "change one or more connections from [any] identified network element[s]".

Further, Jensen does not disclose receiving user input in any context, so that it is not possible for Jensen to anticipate the claimed "receiving first user input that defines a cluster . . .", nor "receiving second user input that specifies one or more network elements . . .", as claimed.

For at least the above reasons, the rejection of Claim 13, as well as all claims dependent therefrom, is invalid and should be withdrawn.

All remaining Claims were rejected under 35 U.S.C. § 103 as allegedly obvious over a variety of references using Jensen as a base reference. However, all of these Claims either explicitly recite or depend from other Claims which recite elements or steps which as shown above are neither disclosed nor suggested by any combination of prior art, either by Jensen or by

any other reference. The secondary references do not cure this deficiency of Jensen, and therefore any combination of Jensen with any of the secondary references cannot provide the complete combination of features recited in the remaining claims.

For the reasons set forth above, all of the pending claims are now in condition for allowance.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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